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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,956	11/21/2001	Roland Pollak	03630-P0026A	9153

24126 7590 03/10/2004

ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

EXAMINER
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PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/10/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/988,956

Applicant(s)

POLLAK, ROLAND

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9-12 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 8 lines 16-17 and page 11 lines 9-10, the words "mo-re" and "whi-le" cannot be split with a hyphen and should be replaced with "more" and "while". Also, on page 8 line 26, the phrase "is arranged in the are of that second end" should be replaced with "is arranged in the arc of the second end".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 9-11, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden. DE 29916113 discloses the invention including a working element (6) having a working section at one end (3) and at least two flat holding sections at the other end (Fig. 2), that the holding sections are oblong holes arranged spaced apart from each other extending toward the other end and opening toward an outer edge formed on the other end (Fig. 2), a holder comprising a main body (4) and a mounting plate releasably attached to the main body (Fig. 1), that the holder has a mounting opening at one end for attaching to a drive shaft (1) and a receiving section at the other end for receiving the working element (4), a securing

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element engaging the holding sections releasably for clamping the working element between the main body and the mounting plate (Fig. 2), and an oscillatory drive for oscillatingly driving a drive shaft about a longitudinal axis (Abstract) but fails to disclose a plurality of securing elements, that the holder comprises threaded sections, and that the securing elements are screws for engaging the treaded sections to clamp the working element in-between the mounting plate and the holder. Farden teaches a plurality of securing elements (7), that the holder comprises threaded sections (Fig. 1), and that the securing elements are screws for engaging the treaded sections to clamp the working element in-between the mounting plate and the holder (7). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided DE 29916113 with the screws and threaded sections, as taught by Farden, to provide a stronger clamping element to better hold a saw blade.

4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden as applied to claims 1 and 18 above, and further in view of Yeargin. DE 29916113 and Farden disclose the invention but fail to disclose that the main body is made of injection-molded plastic and is reinforced with a metal core.

Yeargin teaches a blade holder/main body that is made of injection-molded plastic and is reinforced with a metal core (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided DE 29916113 in view of Farden with a metal core, as taught by Yeargin, to provide additional strength to the tool.

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5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden as applied to claim 1 ~~above~~, and further in view of Matthai et al. DE 29916113 and Farden disclose the invention but fail to disclose a strain washer and a clamping screw extending through the mounting opening for engaging the drive shaft to the holder with the strain washer against the drive shaft. Matthai et al. teaches a strain washer (63) and a clamping screw extending through the mounting opening for engaging the drive shaft to the holder with the strain washer against the drive shaft (35). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided DE 29916113 in view of Farden with a strain washer and clamping screw, as taught by Matthai et al., to provide a stronger connection between the holder, mounting plate, and blade to the drive shaft.

***Allowable Subject Matter***

6. Claims 5, 6, and 13-15 are allowed.

***Response to Arguments***

7. Applicant's arguments filed on 12 February 2004 have been fully considered but they are not persuasive. DE 29916113 discloses "the oblong holes opening towards the outer edge" and Farden modifies the DE 29916113 patent to incorporate the "plurality of securing elements that extend through the holding sections for clamping". Together, the DE 29916113 Patent and the Farden Patent, disclose all the claimed structure. Also, DE 29916113 is clearly oscillatingly driven as disclosed in the English abstract. See page 7 of this office action. Therefore, the rejection is valid and will be made final.

***Conclusion***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kliever et al., Millette, Junginger et al., Kloss et al., Wurst et al., Grunikiewicz et al. and Farland.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

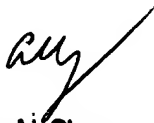
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

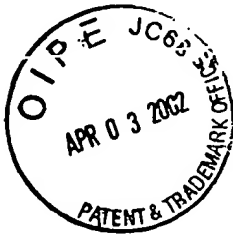


JP  
March 4, 2004



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700

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Abstract of DE 299 16 113 U1

A knife for the removal of floor coverings is disclosed. The knife comprises a corrugated cutting blade (see Fig. 2), which is releasably attached to a blade holder at its end opposite the cutting blade. The knife is oscillatingly driven for easy carpet removal.

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